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F. DAVID MARTIN
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BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

March 1, 2012

Mr. Timothy E. Eastep, Manager
Environment, Land & Water Department
Chino Mines Company
Freeport-McMoRan Copper & Gold
P.O. Box 10
Bayard, New Mexico 88023

RE: Approval of the Remedial Investigation (RI) Report
Lampbriht Investigation Unit (LIU)
Chino Administrative Order on Consent (AOC)

Dear Mr. Eastep:

The Ground Water Quality Bureau of the New Mexico Environment Department (NMED) received the revised pages and comment response letter on February 27, 2012. NMED reviewed the revised pages and responses; Chino has sufficiently addressed the comments listed in the NMED letter dated January 24, 2012. NMED accepts this version of the RI Report.

Although accepting this RI Report, NMED does not agree with some statements and/or issues in the RI Report:

Section 4.5.2 states *"Surface water data downgradient of the confluence between Tributary 1 and 2 from the Background Report is representative of background conditions because there is no evidence that COIs have migrated beyond the confluence (Golder, 2010a)."* The Background Report LBS-2 data may represent residual impacts from the PLS laden stormwater discharges in 1985 and 1988 rather than actual background conditions; 10 of 23 samples exceeded the surface water criteria for copper. Current conditions downgradient of the confluence appear to be below surface water criteria as seen in data from Golder, 2008 (Corrective Action Completion Report) at sample locations LBT-02, 04 and 05.

Figure 1-1, Comment/Response 28 was not correctly addressed. Figure 1-1 indicates the original six AOC Investigation Units; the term TAILINGS AREA SOILS INVESTIGATION UNIT is not an original AOC identifier. The AOC, SOW 1.9.f identifier is Tailing Impacted Soils Investigation Unit.

If you have any questions, please contact me at (575) 388-1934.

Sincerely,

Phil Harrigan, Chino AOC Project Manager
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
Silver City Field Office

cc: Jerry Schoeppner, NMED (via email)
Mary Ann Menetrey, NMED (via email)
Joseph Fox (via email)
Petra Sanchez, USEPA (via email)
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